

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

DANIEL BRONSON,	:	Case No. 1:17-cv-701
	:	
Petitioner,	:	Judge Timothy S. Black
	:	Magistrate Judge Stephanie K. Bowman
vs.	:	
	:	
WARDEN, WARREN	:	
CORRECTIONAL INSTITUTION,	:	
	:	
Respondent.	:	
	:	

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 12) AND
TERMINATING THIS CASE IN THIS COURT**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on July 16, 2018, submitted a Report and Recommendation. (Doc. 12). Petitioner filed objections on July 24, 2018. (Doc. 14).¹

¹ After reviewing the Report and Recommendation, Petitioner's objections, and the case record, the Court finds that Petitioner's objections are not well taken. Petitioner raises several objections, including that he is entitled to equitable tolling and therefore his federal habeas corpus petition is not barred from review by the one-year statute of limitations governing habeas corpus actions brought pursuant to 28 U.S.C. § 2254. (Doc. 14 at 5–7). This argument is without merit. The Court agrees with the finding of the Magistrate Judge that Petitioner is not entitled to equitable tolling because he has not demonstrated that he has been diligent in pursuing federal habeas relief or that an extraordinary circumstance prevented him from filing a timely petition. (Doc. 12 at 9–10).

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that the Report and Recommendation should be and is hereby **ADOPTED** in its entirety.

Accordingly, for the reasons stated above:

- 1) Respondent's motion to dismiss (Doc. 8) is **GRANTED** and the petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (Doc. 3) is **DISMISSED** with prejudice;
- 2) A certificate of appealability will not issue with respect to any of the claims for relief alleged in the petition, which this Court has concluded are barred from review on a procedural ground, because under the first prong of the applicable two-part standard enunciated in *Slack v. McDaniel*, 529 U.S. 473, 484–85 (2000), “jurists of reason” will not find it debatable whether the Court is correct in its procedural ruling.
- 3) The Court certifies that, pursuant to 28 U.S.C. § 1915(a)(3), an appeal of this Order would not be taken in good faith and therefore **DENIES** petitioner leave to appeal in forma pauperis. *See* Fed. R.App. P. 24(a); *Kincade v. Sparkman*, 117 F.3d 949, 952 (6th Cir. 1997).
- 4) The Clerk shall enter judgment accordingly, whereupon this case is **TERMINATED** from the docket of this Court.

IT IS SO ORDERED.

Date: 9/7/2018

/s/ Timothy S. Black
Timothy S. Black
United States District Judge